

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

IRMA GARZA
Plaintiff,

Vs.

THE CITY OF EDINBURG, TEXAS
RICHARD MOLINA, DAVID TORRES,
JORGE SALINAS and GILBERT
ENRIQUEZ

§
§
§
§
§
§
§

CIVIL ACTION NO. 7:18-CV-00267

PLAINTIFF IRMA GARZA'S SECOND CORRECTED/AMENDED MOTION TO
COMPEL DISCOVERY, REPLY TO DEFENDANTS' RESPONSE TO PLAINTIFF'S
CORRECTED MOTION TO COMPEL DISCOVERY AND FOR SANCTIONS

EXHIBIT B

Myra Garza Deposition
(Excerpts)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

IRMA GARZA) (
Plaintiff) (
) (
VS.) (CIVIL ACTION NO.
) (7:18-cv-267
THE CITY OF EDINBURG,) (
TEXAS, RICHARD MOLINA,) (
DAVID TORRES, JORGE) (
SALINAS AND GILBERT) (
ENRIQUEZ) (
Defendants) (

ORAL AND VIDEOTAPED DEPOSITION OF
MYRA GARZA
APRIL 24, 2019

ORAL AND VIDEOTAPED DEPOSITION OF MYRA GARZA,
produced as a witness at the instance of the PLAINTIFF,
taken in the above styled and numbered cause on
April 24, 2019, between the hours of 4:06 p.m. and 5:39
p.m., reported stenographically by JOHN W. FELLOWS,
Certified Court Reporter No. 3335, in and for the State
of Texas, at the offices of GUERRA, LEEDS, SABO &
HERNANDEZ, PLLC, 10213 North 10th Street, McAllen,
Texas, pursuant to the Federal Rules of Civil Procedure
and any provisions stated on the record or attached
therein.

BRYANT & STINGLEY, INC.
Harlingen (956) 428-0755 McAllen (956) 618-2366

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

IRMA GARZA) (
Plaintiff) (
) (
VS.) (CIVIL ACTION NO.
) (7:18-cv-267
THE CITY OF EDINBURG,) (
TEXAS, RICHARD MOLINA,) (
DAVID TORRES, JORGE) (
SALINAS AND GILBERT) (
ENRIQUEZ) (
Defendants) (

REPORTER'S CERTIFICATION
ORAL AND VIDEOTAPED DEPOSITION OF
MYRA GARZA
APRIL 24, 2019

I, JOHN W. FELLOWS, Certified Court Reporter, certify that the witness, MYRA GARZA, was duly sworn by me, and that the transcript is a true and correct record of the testimony given by the witness on April 24, 2019; that the deposition was reported by me in stenograph and was subsequently transcribed under my supervision;

Pursuant to Federal Rule 30(5)(e)(2), a review of the transcript was requested.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, nor am I financially interested in the action.

WITNESS MY HAND on this the _____
_____, 2019.

John W. Fellows
JOHN W. FELLOWS, Texas CSR 3335
Expiration Date: 04-30-21
Bryant & Stingley, Inc., CRN No. 512
1305 East Nolana, Suite D
McAllen, Texas 78504
(956) 618-2366



BRYANT & STINGLEY, INC.
Harlingen (956) 428-0755 McAllen (956) 618-2366

16:32 1 A. Correct.

16:32 2 Q. About the potential terminations?

16:32 3 A. Correct.

16:32 4 Q. So that was different, would you say, than the
16:32 5 other two elections?

16:32 6 A. In that aspect, yes.

16:32 7 Q. Okay.

16:32 8 A. Yes.

16:32 9 Q. And -- so you mentioned several names:

16:32 10 Ponciano Longoria was one of them, correct?

16:32 11 A. Correct.

16:32 12 Q. Now, were you aware or did you ever become
16:32 13 aware of an allegation that there was a list of
16:33 14 individuals that were -- that were being specifically
16:33 15 targeted for termination by Mayor Molina?

16:33 16 A. I did hear about a list, although I never saw
16:33 17 it, and I'm not sure where that comment --

16:33 18 Q. Okay.

16:33 19 A. -- originated from.

16:33 20 Q. You never saw a list, but you heard about a
16:33 21 list?

16:33 22 A. Correct.

16:33 23 Q. Okay. Now, did they say it was a written list
16:33 24 or list in somebody's head; do you know?

16:33 25 A. I can't say for certain --

BRYANT & STINGLEY, INC.

Harlingen (956) 428-0755

McAllen (956) 618-2366

16:33 1 Q. Okay.

16:33 2 A. -- whether it was a written list. I don't
16:33 3 think it was a list in someone's head.

16:33 4 Q. So you're saying there was an actual physical
16:33 5 list of names --

16:33 6 A. I think there might have been an actual
16:33 7 physical list. But that's just an assumption on my
16:33 8 part.

16:33 9 Q. And who were the people that were on this list?

16:33 10 MR. AGUILAR: Objection, speculation.

16:33 11 Q. What is your understanding of who was on the
16:33 12 this list?

16:33 13 A. Okay. So my understanding on the list was,
16:33 14 myself; Irma; Ramiro Gomez; the city manager.

16:34 15 Q. Richard Hinojosa?

16:34 16 A. Richard Hinojosa.

16:34 17 Q. Uh-huh.

16:34 18 A. Who else? Finance director.

16:34 19 Q. Who was that?

16:34 20 A. Asencion Alonzo. Who else? Who did I say
16:34 21 already? Can you repeat?

16:34 22 Q. Yourself.

16:34 23 A. Myself.

16:34 24 Q. Irma Garza.

16:34 25 A. Correct.

BRYANT & STINGLEY, INC.

Harlingen (956) 428-0755

McAllen (956) 618-2366

16:34 1 Q. Ramiro Gomez.
16:34 2 A. Correct.
16:34 3 Q. Ascension Alonzo.
16:34 4 A. Correct. Oh.
16:34 5 Q. Richard --
16:34 6 A. Sean Snyder.
16:34 7 Q. Okay.
16:34 8 A. Okay. Go ahead.
16:34 9 Q. And Richard Hinojosa.
16:34 10 A. Richard Hinojosa.
16:34 11 Q. Was Ponciano Longoria on that list?
16:34 12 A. Ponciano Longoria.
16:34 13 Q. Was Maribel Velasquez?
16:35 14 A. Maribel Velasquez definitely.
16:35 15 Q. Leo Gonzalez?
16:35 16 A. Leo Gonzalez. And Sonia Marroquin.
16:35 17 Q. Okay. Blanca Rodriguez?
16:35 18 A. No.
16:35 19 Q. No?
16:35 20 A. No.
16:35 21 Q. Anyone else?
16:35 22 A. I'm not sure -- I'm not sure if Joe Filoteo.
16:35 23 Q. Okay.
16:35 24 A. I'm trying to think of all the directors.
16:35 25 Q. Yes, ma'am.

BRYANT & STINGLEY, INC.

Harlingen (956) 428-0755

McAllen (956) 618-2366

16:35 1 A. Let's take a look. Not the chamber. So are we
16:36 2 being specific with just the City of Edinburg, or the
16:36 3 Boys and Girls Club, Chamber of Commerce and EDC?

16:36 4 Q. Well, did the City of Edinburg control whether
16:36 5 or not those people were terminated or --

16:36 6 A. Well, they could have, especially the EDC,
16:36 7 because the city council appoints the EDC Board, and
16:36 8 therefore the board will terminate or retain the
16:36 9 employees that are --

16:36 10 Q. Okay. Anyone in EDC that was on that list?

16:36 11 A. Agustin Garcia. I think that's
16:36 12 his -- Agustin Gus. I just know him as Gus Garcia.
16:36 13 Well, yeah. Agustin Garcia. Because he was on City
16:36 14 Commissioner -- I mean, city council member. Nelda
16:36 15 Ramirez.

16:36 16 Q. Okay.

16:37 17 A. I'm not sure about the other --

16:37 18 Q. Okay.

16:37 19 A. -- staff there, but --

16:37 20 Q. Okay. What about the Boys and Girls Club?

16:37 21 A. Nobody from the Boys and Girls Club. And
16:37 22 nobody from the Chamber of Commerce that I know of.
16:37 23 Yeah.

16:37 24 Q. Okay. Now, Ponciano Longoria, he was on the
16:37 25 list, correct?

BRYANT & STINGLEY, INC.

Harlingen (956) 428-0755

McAllen (956) 618-2366

16:44 1 that the -- the mayor and the city council were asking
16:44 2 him to make changes.

16:44 3 Q. And that -- was that change getting rid of
16:44 4 Irma?

16:44 5 MR. AGUILAR: Objection, speculation.

16:44 6 A. That change would be, I guess -- I'm not sure
16:44 7 if getting rid of Irma completely, but I know that
16:44 8 there were certain people that he needed to address
16:44 9 their employment.

16:44 10 Q. What do you mean by he needed to address their
16:44 11 employment?

16:45 12 MR. AGUILAR: Objection, speculation.

16:45 13 A. Yeah. He needed to tell them whether or not
16:45 14 they were going to have a job. He needed to tell
16:45 15 them -- it wasn't just a few. It was Ponciano. It was
16:45 16 myself. It was Irma.

16:45 17 He, pretty much, told Irma, It's probably
16:45 18 best that you start looking for another job; told
16:45 19 Ponciano, It's probably best that you start looking for
16:45 20 another job. But told me if I was willing to transfer
16:45 21 to or -- over to EDC.

16:45 22 Q. So when they -- and you did transfer to EDC,
16:45 23 correct?

16:45 24 A. Correct.

16:45 25 Q. And prior to that, you had a discussion with

BRYANT & STINGLEY, INC.

Harlingen (956) 428-0755

McAllen (956) 618-2366

16:45 1 Mr. Hinojosa about that?

16:45 2 A. Correct.

16:45 3 Q. Richard?

16:45 4 A. Well, at the time that he was telling me, that
16:45 5 if I would consider move -- transferring over to EDC is
16:45 6 the time that we had a discussion. When he told me
16:45 7 that -- that it was -- it was a good viable option for
16:45 8 me. So I took the -- the opportunity that was afforded
16:46 9 to me.

16:46 10 Q. And did he say whether or not any of the other
16:46 11 employees that either resigned or were terminated had
16:46 12 that same option?

16:46 13 A. They did not.

16:46 14 MR. AGUILAR: Objection --

16:46 15 A. They did not.

16:46 16 MR. AGUILAR: Objection, multifarious and
16:46 17 nonresponsive.

16:46 18 Q. What's -- okay. Did Ponciano or Irma or any of
16:46 19 the others who resigned or were terminated, did they
16:46 20 have that same option?

16:46 21 MR. AGUILAR: Objection, speculation.

16:46 22 Q. Do you know whether or not they had that same
16:46 23 option?

16:46 24 MR. AGUILAR: Objection, speculation.

16:46 25 A. They -- they did not have that option.

BRYANT & STINGLEY, INC.

Harlingen (956) 428-0755

McAllen (956) 618-2366

16:46 1 Q. Okay.

16:46 2 A. From my understanding from what Mr. Hinojosa
16:46 3 told me.

16:46 4 Q. Okay. Now, did you discuss -- other than with
16:46 5 Mr. Hinojosa, your move from the City of Edinburg to
16:46 6 the EDC, did you discuss that with anyone else at the
16:46 7 City of Edinburg?

16:46 8 A. My move, other than the City of Edinburg?
16:47 9 Well, I discussed it with my husband.

16:47 10 Q. No. Within City of Edinburg?

16:47 11 A. Oh, within the City of Edinburg?

16:47 12 Q. Yes.

16:47 13 A. Within the City of Edinburg, I discussed it
16:47 14 with Mr. Alonzo. I believe I might have told him.

16:47 15 Q. Ascension Alonzo?

16:47 16 A. Ascension Alonzo. I might have told him that
16:47 17 they wanted me to move to EDC. And that -- that they
16:47 18 were willing to leave my salary the same, my benefits
16:47 19 the same.

16:47 20 They, pretty much, told me, you know, just
16:47 21 get whatever it is that -- you know, give her whatever
16:47 22 it is that she wants just so that we can move her to
16:47 23 EDC. So they kept my salary. They kept my benefits.
16:47 24 And they made it lucrative, I guess. They made it
16:47 25 appealing, appealing to me --

BRYANT & STINGLEY, INC.

Harlingen (956) 428-0755

McAllen (956) 618-2366

16:47 1 Q. Okay.

16:47 2 A. -- to make that move.

16:47 3 Q. Did you speak to Richard Molina about this
16:47 4 move?

16:47 5 A. When he -- when he addressed it, yeah, I did.
16:48 6 When he addressed it -- because the first time he
16:48 7 called me that he needed to meet with me was the same
16:48 8 day that he told me.

16:48 9 Q. Who's he that you --

16:48 10 A. Richard Molina -- Richard Hinojosa. Oh, I'm
16:48 11 sorry. Did you say did I speak to Richard Hinojosa or
16:48 12 Molina?

16:48 13 Q. Molina.

16:48 14 A. Negative. I did not.

16:48 15 Q. Never?

16:48 16 A. No.

16:48 17 Q. Okay. Did you speak to any of the other
16:48 18 council members about that?

16:48 19 A. About making the move?

16:48 20 Q. Yes.

16:48 21 A. I did speak to Jorge Salinas. He -- he,
16:48 22 pretty much, told me that -- that for me -- because I
16:48 23 had -- when the election happened and there was this
16:48 24 hearsay of this list, I asked him point blank, Am I on
16:48 25 that list?

BRYANT & STINGLEY, INC.

Harlingen (956) 428-0755

McAllen (956) 618-2366